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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,998	04/21/2004	Shmuel Shaffer	062891.1250	5499
5073 7590 08/18/2009				
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER				
NGUYEN, KHAI N				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
08/18/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/828,998

**Applicant(s)**

SHAFFER ET AL.

**Examiner**

KHAI N. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 8, 2009 has been entered.

### ***Response to Amendment***

2. Applicant's amendment filed on June 19, 2007 has been entered. Claims 1, 2, 5-10, 11, 12, 15-20, 21, 22, 25-30, 31, and 32 have been amended. No claims have been canceled. No claims have been added. Claims 1-32 are still pending in this application, with claims 1, 11, 21, 31, and 32 being independent.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

4. Claim 20 is objected to because of the following informalities: The currently amended claim 20 has been listed twice (duplicate) (see Applicants' IN THE CLAIMS page 7 and page 10). Appropriate correction is required.

5. Claims 6 and 16 are objected to because of the following informalities: The currently amended claims 6 and 16 recite "communicate - - - endpoints of of each of the - - -". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al. (U.S. Publication Number 2005/0113077 hereinafter "Bushnell") in view of Nalbone (U.S. Pat. No. 4,790,004).

Regarding claims 1, 11 and 32, Bushnell teaches a system and a method for enhanced call pickup (Figs. 1-4), the method and the system comprising one or more processing units collectively operable to:

receive an incoming phone call directed to a particular user of a plurality of users associated with a call pickup group (CPG) (Figs. 1-3, paragraph [0010], i.e., an incoming call to one employee triggers notification to all the members of the Pick Up Group);

access data indicating a current status of each of one or more users in a call pickup group (CPG) (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Fig. 3) in response to an incoming phone call (Figs. 2-3, paragraph [0021]); and

communicate the status of each of the users in the CPG to one or more endpoints of one or more users in the CPG for display to the users in the CPG (Figs. 2,-

3, paragraph [0023], lines 1-6, i.e., user is advised about status and availability of a colleague with instant messaging service), displaying the data to a first user in the CPG for the first user to determine a current status of each of one or more users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call directed to the particular user (Fig. 1, 131-132, 142, 156-157, Fig. 3, paragraph [0023], lines 1-11, i.e., displaying instant message on devices such as VoIP Clients, multimedia clients, and Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]).

However, Bushnell might not be clearly disclosed the detail about the status of each of the plurality of users in the group. Although Bushnell teaches the technique for a user to know the status and availability of another user (paragraph [0023]) and the presence of a waiting call for one user triggers notification to all the users of the Pick Up Group (paragraph [0039]). In addition, the feature to provide the status of each of the plurality of users in the group is old and well known in the art, for example, in the PTO office the secretary who support the directors has a phone that display the status of each of the directors' phone line (i.e., indication that each director phone line is busy or idle).

In the same field of endeavor, in 1988, Nalbone teaches to display the status of each of the plurality of users in the group (See Nalbone – Fig. 3, Telephone Station Set for Covering Users, 301-303 Users, 321-323 Status Indicators, column 6, and lines 38-55). Nalbone further teaches that there is a need to provide a status indication to

covering user regardless of whether a small or a large number of users (See Nalbone – column 2, lines 7-39)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the technique to display the status of each of the plurality of users in the group, as taught by Nalbone, into the method and system of Bushnell in order to enhance the call pick up service. Since, Bushnell teaches the call pick up service that provide user status, and thus adding the status of each of the plurality of users in the group is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143). One having ordinary skill in the art would have been motivated to make such a modification to provide a status indication to covering user regardless of whether a small or a large number of users, as per the teachings of Bailey.

Regarding claims 2 and 12, Bushnell teaches the system and the method, wherein data indicating a current status of a users in the CPG (Fig. 2, , 132, 142, 156, 157, Pick Up Group, Figs. 3-4) comprises one or more of: data identifying the user (Fig. 4, 406 User Identification (UI), paragraph [0030]); data indicating a current availability of the user; data indicating a current presence status of the user; data indicating a current call status of the user (Fig. 4, 402 User Status (US), paragraph [0028]); data indicating a bandwidth limitation preventing transfer of the incoming phone call to the user; data indicating a preference of the user with respect to picking up the incoming phone call; and data indicating whether any user intends to pick up the incoming phone call (Figs.

2-4, paragraphs [0037]-[0039], i.e., Call Pick Up service allows multiple users to answer each others telephones).

Bushnell might not be clearly disclosed the detail about indicating a current status of each of the plurality of users. Nalbone teaches to indicate the status of each of the plurality of users in the group (See Nalbone – Fig. 3, Telephone Station Set for Covering Users, 301-303 Users, 321-323 Status Indicators, column 6, and lines 38-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the technique to display the status of each of the plurality of users in the group, as taught by Nalbone, into the method and system of Bushnell in order to enhance the call pick up service.

Regarding claims 4 and 14, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to automatically and without user input access and communicate the data in response to the incoming phone call (Figs. 2-4, paragraph [0017]).

Regarding claims 5 and 15, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to access the data and communicate the data to the first user in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4) in response to a request for the data from the first user (Figs. 2-4, paragraph [0017], and paragraphs [0023]-[0024]).

Regarding claims 6 and 16, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to:

receive input from the first user in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4) comprising one or more of:

a first indication of a preference of the first user with respect to picking up the incoming phone call (Fig. 4, steps 307-310, paragraph [0043], i.e., forward an alert to members of the Call Pick Up Group "first indication"); and

a second indication of whether the first user intends to pick up the incoming phone call (Fig. 4, step 311' paragraph [0044], i.e., dialing a special code or click Pickup icon on IP phone to pick up incoming call "second indication"); and

communicate the input from the first user to one or more endpoints of one or more users in the CPG for display to users in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4), a display of the input from the first user facilitating a second user determining a current status of the first user to facilitate a decision by the second user regarding whether to pick up the incoming phone call directed to the particular user (Figs. 2-4, paragraphs [0043]-[0044], i.e., forward an alert to all members in CPG by Private Branch Exchange 104 to enterprise communication network 1 and the cellular communication network 2).

Again, Bushnell might not be clearly disclosed the detail about each of the plurality of users. Nalbone teaches to indicate the status of each of the plurality of users in the group (See Nalbone – Fig. 3, Telephone Station Set for Covering Users, 301-303 Users, 321-323 Status Indicators, column 6, and lines 38-55). Therefore, it would have



been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the technique to display the status of each of the plurality of users in the group, as taught by Nalbone, into the method and system of Bushnell in order to enhance the call pick up service.

Regarding claims 8 and 18, Bushnell teaches the system and the method further comprising the one or more endpoints of each of the plurality of users in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4), each of the endpoints being operable to receive the data from the one or more processing units and display the data to a respective user in the CPG (Fig. 2, 101 MSC, 102 PSTN, 105 IP Network (endpoint 1) with 142 IP Telephone (second user 1), Cell Site 112 (endpoint 2) with 132 Cell Phone (second user 2), paragraphs [0021]-[0023]).

7. Claims 7, 9-10, 17, and 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell, in view of Nalbone, and in view of McMurry et al. (U.S. Publication 2004/0086102, hereinafter "McMurry").

Regarding claims 7, 9-10, 17, and 19-20, Bushnell and Nalbone disclose everything claimed as applied above (see claims 1, 11 and 32). However, Bushnell does not specifically disclose the Session Initiation Protocol (SIP) for call processing, user communication by using a graphical user interface (GUI) and a button, and the use of pregenerated messages to communicate the user call status. Although Bushnell

teaches the IP network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]), the display of instant messaging service for communication devices (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11, i.e., displaying instant message on devices such as VoIP Clients, multimedia clients).

In the same field of endeavor, McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (McMurry – Fig. 1 – 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034]), user communication by using a GUI and a button (McMurry – paragraph [0038], i.e., a mouse, and paragraph [0051] lines 11-14, i.e., preprogrammed a button), and the use of pregenerated messages to communicate the user call status (McMurry – paragraph [0059] lines 4-7).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to incorporate the SIP, GUI and a button, and pregenerated message for call pickup group in a communication network. Since Bushnell teaches the call pack up service that applies to the IP network with VoIP, and thus adding the SIP, GUI and a button, and pregenerated message for call pickup group is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of SIP, GUI and a button, and pregenerated message, as taught by McMurry, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

Regarding claims 21-30, Bushnell and Nalbone disclose everything claimed as applied above (see claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32). However, Bushnell does not specifically disclose the invention logic is readily implement-able as the computer executable instruction in one or more computer-readable medium.

Again, McMurphy teaches the systems and methods for implementing call pickup using SIP for call processing (McMurphy – Fig. 1, 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034], and Exemplary Processing paragraphs [0041] – [0064]). The advantage of McMurphy invention is the logic can be implemented with executing software instructions contained in a computer-readable medium (McMurphy – paragraph [0040] lines 1-5, i.e., memory devices, computer-readable medium, etc.). Additionally, the software instructions can be combined with hardware to implement the invention (McMurphy - paragraph [0040] lines 6-11).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Bushnell with an article, comprising: one or more computer-readable signal-bearing media to implement the method, or process steps for call pickup services.

Regarding claim 31, Bushnell and Nalbone disclose everything claimed as applied above (see claims 1-2, 4-6, 11-12, 14-16, 18, and 32). However, Bushnell does not specifically disclose the Session Initiation Protocol (SIP) for call processing. Although Bushnell teaches the IP network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017]).

However, in the same field of endeavor, McMurry teaches the systems and methods to implement call pickup group for VoIP using SIP for call processing in an IP-based network that is the endpoints can be identified by their respective IP addresses and the endpoints can communicate using a voice over IP protocol (VoIP) (McMurry - Fig. 1, 105 Data Network, 155-1 to 155-N SIP Devices, Figs. 3A-3B, paragraph [0006], and paragraphs [0012], [0032] – [0034], i.e., SIP is the IP-based network using IP addresses for identification and communication for VoIP as described in Internet Engineering Task Force (IETF) Request For Comments (RFC)-2543 (IETF, RFC-2543 Session Initiation Protocol (SIP), and its successors RFC-3261 et al.). McMurry further teaches there is a need for the implementation of new services processing architectures and protocols (e.g. SIP) for the Internet and other data networks together with the traditional circuit switch networks (e.g., PSTN) (McMurry – Fig. 1, 105 DATA NETWORK, 110 TELEPHONE NETWORK, paragraphs [0006]-[0007]).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, IP addresses and IP devices for call pickup group in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of SIP protocol with IP addresses for call processing to support VoIP, as taught by McMurry, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

8. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Nalbone, and in view of Ardon (U.S. Patent Number 5,371,781).

Regarding claims 3 and 13, Bushnell and Nalbone disclose everything claimed as applied above (see claims 1 and 11) but a hunt group. Although a hunt group feature is old and well known in the art, however, Bushnell does not specifically disclose the CPG comprises a hunt group.

In the same field of endeavor, Ardon teaches the system and the method, wherein the CPG comprises a hunt group (col. 6 lines 6-9, i.e., "Hunt group" services).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, IP addresses and IP devices for call pickup group in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of a hunt group in a CPG, as taught by Ardon, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./  
Examiner, Art Unit 2614  
08/12/2009

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